

Rockingham

Case Summary

Case No. 218-2022-CV-00115

Ioulia Iliopoulos v Home Depot USA, Inc.

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Location: **Rockingham**
Filed on: **02/18/2022**

Case Information

Case Type: Tort-Premises Liability
Case Status: **02/18/2022 Pending**

Assignment Information

Current Case Assignment

Case Number 218-2022-CV-00115
Court Rockingham
Date Assigned 02/18/2022

Party Information

Plaintiff Iliopoulos, Ioulia **McGrath, Michael S. ESQ**
Retained
603-224-7791(W)

Defendant Home Depot USA, Inc.

Events and Orders of the Court

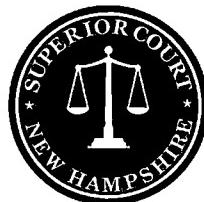
02/18/2022	Complaint - Civil <i>Jury Trial</i> Party: Plaintiff Iliopoulos, Ioulia	Index # 1
02/23/2022	Summons on Complaint <i>Env 2206262</i>	Index # 2
02/23/2022	Service Home Depot USA, Inc. Served: 03/11/2022	
03/11/2022	Service	
03/18/2022	Return of Service <i>on Def via Reg Agent</i> Party: Plaintiff Iliopoulos, Ioulia	Index # 3

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Rockingham Superior Court
Rockingham Cty Courthouse/PO Box 1258
Kingston NH 03848-1258

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.state.nh.us>

SUMMONS IN A CIVIL ACTION



Case Name: **Ioulia Iliopoulos v Home Depot USA, Inc.**
Case Number: **218-2022-CV-00115**

Date Complaint Filed: February 18, 2022

A Complaint has been filed against Home Depot USA, Inc. in this Court. A copy of the Complaint is attached.

The Court ORDERS that ON OR BEFORE:

- | | |
|-----------------------------------|---|
| April 09, 2022 | Ioulia Iliopoulos shall have this Summons and the attached Complaint served upon Home Depot USA, Inc. by in hand or by leaving a copy at his/her abode, or by such other service as is allowed by law. |
| April 30, 2022 | Ioulia Iliopoulos shall electronically file the return(s) of service with this Court. Failure to do so may result in this action being dismissed without further notice. |
| 30 days after Defendant is served | Home Depot USA, Inc. must electronically file an Appearance and Answer or other responsive pleading form with this Court. A copy of the Appearance and Answer or other responsive pleading must be sent electronically to the party/parties listed below. |

Notice to Home Depot USA, Inc.: If you do not comply with these requirements you will be considered in default and the Court may issue orders that affect you without your input.

Send copies to:

Michael S. McGrath, ESQ	Upton & Hatfield LLP 10 Centre St PO Box 1090 Concord NH 03302-1090
Home Depot USA, Inc.	2455 Paces Ferry Road C-20 Atlanta GA 30339

BY ORDER OF THE COURT

February 23, 2022
(126849)

Jennifer M. Haggar
Clerk of Court

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
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NOTICE TO DEFENDANT

Case Name: **Ioulia Iliopoulos v Home Depot USA, Inc.**
Case Number: **218-2022-CV-00115**

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Rockingham Superior Court**. Review the Complaint to see the basis for the Plaintiff's claim.

Each Defendant is required to electronically file an Appearance and Answer 30 days after service. You may register and respond on any private or public computer. For your convenience, there is also a computer available in the courthouse lobby.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us, select the Electronic Services icon and then select the option for a self-represented party.

1. Complete the registration/log in process. Click Register and follow the prompts.
2. After you register, click Start Now. Select **Rockingham Superior Court** as the location.
3. Select "I am filing into an existing case". Enter **218-2022-CV-00115** and click Next.
4. When you find the case, click on the link and follow the instructions on the screen. On the "What would you like to file?" screen, select "File a Response to Civil Complaint". Follow the instructions to complete your filing.
5. Review your Response before submitting it to the court.

IMPORTANT: After receiving your response and other filings the court will send notifications and court orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint will want to be familiar with the Rules of the Superior Court, which are available on the court's website: www.courts.state.nh.us.

Once you have registered and responded to the summons, you can access documents electronically filed by going to <https://odypa.nhecourt.us/portal> and following the instructions in the User Guide. In that process you will register, validate your email, request access and approval to view your case. After your information is validated by the court, you will be able to view case information and documents filed in your case.

If you have questions regarding this process, please contact the court at 1-855-212-1234.

STATE OF NEW HAMPSHIRE
ROCKINGHAM SUPERIOR COURT

Docket Number 218-2022-CV-00115

Ioulia Iliopoulos

v.

Home Depot USA, Inc.

COMPLAINT

Jury Trial Demanded

Parties

1. The Plaintiff, Ioulia Iliopoulos, is a New Hampshire resident with a physical address of 42B Frost Road, Derry, New Hampshire 03038.
2. The Defendant, Home Depot USA, Inc., is a Delaware corporation doing business in New Hampshire with a principal place of business located at 2455 Paces Ferry Road, C-20, Atlanta, Georgia, 30339.

Jurisdiction

3. Jurisdiction is proper because the Plaintiff resides in Rockingham County.
4. On or about March 3, 2019, the Plaintiff was shopping at the Home Depot store located at 289 South Broadway, Salem, New Hampshire (hereinafter referred to as "the Home Depot store").
5. The Home Depot Store is owned and operated by the Defendant.

6. The Plaintiff was shopping for tile and other things on March 3, 2019 at the Home Depot Store. The tile was displayed in an aisle on a raised display panel. The Plaintiff had to look up to see the displayed tile. Like every other shopper, the Plaintiff was moving and looking up at the tile display.

7. On March 3, 2019, the Defendant had left a very short pallet of material on the floor in the middle of the aisle in which the Plaintiff was shopping for tile.

8. The Plaintiff took a step backward, stepped on or tripped over the pallet of tile and tumbled backward landing on her back and head. The Plaintiff suffered significant injuries when she fell.

COUNT I - NEGLIGENCE

9. The Plaintiff hereby incorporates the information in paragraphs one through eight above as if restated in this Count.

10. At the same time and place the Plaintiff fell, the Defendant's store was open to the public and was advertised for the purpose of encouraging persons to shop for tile and other home goods.

11. The Defendant's display of tile was oriented to draw the customers attention up towards the ceiling and away from the floor. In aisles with those display configurations it is foreseeable that customers are less likely to be looking at the floor while shopping.

12. The Defendant had a duty to use ordinary care to make sure the aisles were free of tripping hazards.

13. The Defendant had the duty to the Plaintiff and other patrons of its establishment to exercise reasonable care and prudence to keep the aisles in its store reasonably free of tripping hazards, so as not to present an unreasonable risk to patrons such as the Plaintiff.

14. Notwithstanding these duties owed by the Defendant to the Plaintiff, the Defendant did unreasonably and negligently fail to keep the aisle free of tripping hazards by leaving a short pallet of material in the middle of the tile aisle of the Home Depot store.

15. As a direct and proximate result of the Defendant's failure to use ordinary or reasonable care to remove tripping hazards in the tile aisle of the Home Depot store, the Plaintiff was caused to trip, fall and injure herself on March 3, 2019.

16. As a direct and proximate result of the aforesaid negligence of the Defendant, the Plaintiff was caused to seek out medical care for her significant and permanent injuries.

17. The Plaintiff has incurred substantial medical expenses to effect a partial cure for her injuries, has suffered a permanent injury, has suffered a loss of earning capacity, has endured conscious pain and suffering, and has missed time from work all because of the Defendant's negligence and in an amount to be determined within the jurisdiction of this Honorable Court.

Respectfully requested,

Ioulia Iliopoulos
By Her Counsel,

UPTON & HATFIELD, LLP

Date: February 17, 2022

By: /s/ Michael S. McGrath
Michael S. McGrath, NHBA #12563
10 Centre Street
PO Box 1090
Concord, NH 03302-1090
(603) 224-7791
E-mail: mmcgrath@uptonhatfield.com

Merrimack County Sheriff's Office

DAVID A. CROFT
333 Daniel Webster Hwy
Boscawen, NH 03303
Phone: 603-796-6600

HOME DEPOT USA, INC.
10 FERRY ST
CONCORD, NH 03301

AFFIDAVIT OF SERVICE

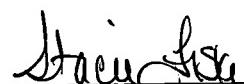
MERRIMACK, SS

3/11/22

I, SERGEANT STACIE FISKE, on this date at 3:10 a.m., summoned the within named defendant HOME DEPOT USA, INC. as within commanded, by leaving at the office of Registered Agent Corporation Service Company, 10 Ferry Street, Suite 313, Concord, said County and State of New Hampshire, its true and lawful agent for service of process under and by virtue of Chapter 293-A New Hampshire RSA, as amended, a true and attested copy of this Summons and Complaint.

FEES

Service	\$30.00
Postage	1.00
Travel	15.00
TOTAL	<hr/> <u>\$41.00</u>



SERGEANT STACIE FISKE
Merrimack County Sheriff's Office

A TRUE COPY ATTEST:



STACIE FISKE, DEPUTY

Merrimack County Sheriff's Office